

# **SOUTH WEBER CITY PLANNING COMMISSION MEETING**

**DATE OF MEETING:** 25 September 2014

**TIME COMMENCED:** 6:30 p.m.

**PRESENT:** **COMMISSIONERS:**

Delene Hyde  
Rob Osborne  
Wes Johnson  
Rod Westbrook  
Wayne Winsor

**CITY PLANNER:**

Barry Burton

**DEPUTY RECORDER:**

Elyse Greiner (excused)

**CITY ENGINEER:**

Brandon Jones

**CITY MANAGER:**

Duncan Murray

**Transcriber:** Minutes transcribed by Michelle Clark

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***A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS***

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**VISITORS:** Wyndell Pasch, Julie Shelton, Scot Slager, Doris Rice, Keith Maw, Alyson Maw, Ivan Ray, Linda Marvel, Bob Marvel, Sherrie West, Randy Mills, Carol Christensen, Mark Christensen, Nathan Boyce, and Kristin Boyce.

**APPROVAL OF THE AGENDA:** Commissioner Westbrook moved to approve the agenda as written. Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbrook, and Winsor voted yes. The motion carried.

**APPROVAL OF MINUTES OF 28 AUGUST 2014:**

Commissioner Osborne moved to approve the minutes of 28 August 2014 as written. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. Commissioner Westbrook abstained as he was excused from the meeting. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** None

Commissioner Osborne moved to open the public hearing for the rezone of 4.54 acres on 2600 E. 8000 S. (Parcel # 13-041-0129 and 13-041-0119. Commissioner Westbrook

seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbroek, and Winsor voted yes. The motion carried.

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Rezone Application: Request from Future Homes for approx. 4.54 acres on 2600 E. 8000 S. (Parcel #'s 13-041-0120 and 13-041-0119) be changed from a Residential Moderate Zone (RM) to a Residential Patio Zone (RP):** Wyndell Pasch, representing Future Homes, approached the Planning Commission and stated he is requesting a rezone from Residential Moderate Zone (RM) to Residential Patio Zone (RP). This property is located on 2600 East 8000 South and is approximately 4.54 acres. He said the residential patio allows for 6 homes per acre. This would be 27 total homes, but because of the topography there is no way to fit 27 homes on this piece. He said with setbacks, etc. it would be 19 homes. The homes are single family residents. The homes are single level and no stairs to second level. They will abide by 25 ft. height requirement. 1,500 to 2,000 sq. ft., 3 bedroom, 2 bath. He explained that five lots can handle three car garages with the other lots being two car garages. He has design samples of the models. His intention is to take this through the whole process. He has a similar project in Brigham City.

**Commissioner Hyde asked for public comment.**

**Linda Marvel, 8087 S. 2700 E.,** stated she is in favor of keeping the moderate zoning, which was the original zoning. She said all the people in the area are happy with that zoning. She isn't sure it is good to put lots of homes on tiny lots. She is under the understanding that these are retirement homes. She thinks if they were retirement homes, they would go like hot cakes. She said if the zoning can be more structured with tighter rules, it would be better. She is opposed to patio homes for that property.

**Scot Slager, 2569 E. Deer Run Drive,** said he is concerned about the 6ft side yard and 10 ft backyard. He is also concerned about the increase in traffic. He doesn't see how you can fit that many homes in there. He would like to know who is paying for the drainage and who is paying for the extra water. Barry said with regards to the setbacks, one of the major thrust of this ordinance is to reduce the lot size so that the amount of work to take care of it is far less.

**Carol Christensen, 2475 E. 8143 S.,** said she is in favor of keeping the zone residential moderate. She said the only benefit to anyone is the developer. She said these look like starter homes to her. She said there is no guarantee that young families wouldn't purchase these homes. She said the plat looks like army barracks, and she isn't sure that is the look the City should be going for. She then presented the plat that Mark Burnett, concerned resident, drew up on paper. She said the master plan does grant open space bonus for higher density.

Mr. Pasch said the covenants include 55 and older community. He said this will be an HOA. All of the landscaping will be put in and maintained by HOA. There will be two storm exits. They will put in a 965 ft. pipe to Deer Run Drive. Brandon said it is not a good idea to retain water on the property so it will be piped all the way. This means the developer will have significant improvements off site. Mr. Pasch said the development will be bermed around it.

Mrs. Marvel said there is currently a berm in the back and individuals still get water in their basements. She said there used to be a small pond there. Brandon said the piping of the water will take the water away. Mrs. Marvel asked who is responsible if there is flooding. Brandon said it depends on if the City is negligent in some way, but that would have to be determined. Commissioner Hyde said regardless of the number of homes, the water will still need to be taken out. Mrs. Christensen said the developer can change their mind tomorrow. Mr. Pasch said everything he has stated today can be done with this rezone. Brandon said if those restrictions are shown on the plat then that is the way it has to be. Mr. Slater asked about the side width. Mr. Pasch said 8 ft. is the minimum, but the development will have mostly 10 ft. Barry said the developer is talking about a HOA which is something the City can't mandate in a zoning ordinance. He said the City didn't design the ordinance for the developer. Commissioner Hyde said it allows for more diversity. She said there are a certain amount of people that want that type of home.

**Nathan Boyce, 8080 S. 2575 E.,** is concerned about the zoning. Barry said the developer is requesting to change the zone to a higher density. He said on Tuesday the City Council didn't approve the higher density for that area.

**Mark Christensen, 2475 E. 8143 S.,** said he would prefer the zoning stay moderate. He feels this fits in with the surrounding neighborhood.

**Randy Mills, 8036 S. 2575 E.,** asked how this project benefits the City tax wise. Commissioner Hyde said all homes are a drain on the City. Barry said the higher density the less drain they are on the City. Mr. Mills said he has lived here for 30 years. He is in favor of keeping the property at the original zoning.

**Alyson Maw, 7913 S. 2600 E.,** feels it should be kept at the same moderate zone.

Mrs. Marvel asked how more homes are less of a drain on the City. Barry said they are paying less for taxes for lineal foot than those who live in larger homes, because you have more street frontage, storm drain, sewer line, etc.

**Commissioner Westbrook moved to close the public hearing. Commissioner Winsor seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbrook and Winsor voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

Commissioner Westbrook said he is struggling with this rezone because he didn't realize what the City Council did on Tuesday night. He said the Planning Commission has worked a long time on the general plan and now there is a proposal to make a rezone change.

Commissioner Osborne said on Tuesday night, particularly Dave Thomas was not that opposed to the zone but leaving it open ended on this piece. He thinks if the request was worded in such a way as this gentlemen's plan, he thinks that is something we can live with. He appreciates Mrs. Marvel as she has attended the general plan meetings, and some of the things they have done to this zone was the height requirement. He said her voice was heard in that process. He said a lot of what she brought to the table ended up in this zone. He then explained a zero lot line. He said

Mrs. Marvel did discuss that, and the Planning Commission changed it. He said there is a benefit to the city of diversity and opportunity for senior citizens to move out of their homes and move into a smaller lot. He feels we are doing some of our residents a disservice if we don't offer other options. He said the water is going to flood with a field there now, so if we drain it and properly pipe it, he feels those problems will go away. He is in favor of this zone in this particular area.

Commissioner Westbroek said it wasn't that long ago that a piece of property was rezoned and the developer was going to put in luxury homes, the economy went bad, and the property was sold to another developer, and now there are town homes. He is concerned because once it is rezoned, what will happen. Barry said the City can enter into a development agreement prior to the rezone. Brandon asked without a development agreement, couldn't you stipulate that the property converts back to original zone. Duncan said it is called a reversion clause. Commissioner Johnson is concerned about water and feels before approving any rezone, the City Council needs to purchase enough water for future development. Commissioner Osborne said he doesn't think you can do that unless the City has set a moratorium.

Mr. Slater asked about the intersection on South Weber Drive and frontage road. Commissioner Westbroek said it is a UDOT road but they are looking at installing street lights. Barry discussed if larger homes are built in that area, the number of individuals will increase with larger families. Larger homes use more water. Larger homes bring more traffic. He said if you are going to consider the impacts of one versus the other, you have to look at it both ways. He said most of you wouldn't be here if your subdivision wasn't approved.

**Keith Maw, 7913 S. 2600 E.,** asked the value of the homes. Mr. Pasch said \$225,000 to \$300,000.

Commissioner Hyde said when the general plan was reviewed a lot of people wanted patio homes. She said this particular piece of property is an odd piece of property and this zone will work on that piece because of its layout and developmental issues. She said this zone was created before this developer came in. She is in favor of a development agreement that addresses the residents concerns. She said the property owner has the right to request. She doesn't think it is fair because he makes money at what he does. He is no different than anyone who goes to work and tries to make a living.

**Commissioner Osborne moved to table the rezone request for Future Homes for approx. 4.54 acres on 2600 E. 8000 S. (Parcel #'s 13-041-0120 and 13-041-0119) to be changed from a Residential Moderate Zone (RM) to a Residential Patio Zone (RP) to direct City staff to work with the developer agreement which includes a reversion clause. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbroek, and Winsor voted yes. The motion carried.**

**Discuss the Vacation of a Portion of 7400 S. Road (potential public hearing and action scheduled for October 23, 2014):** Brandon Jones, City Engineer, stated he has prepared the legal descriptions and exhibit drawings to vacate 7400 South (the portion off of South Weber Drive by the City's well house). He said the City still needs to maintain a utility easement in the City's name across the whole piece that is proposed to be vacated.

**Ivan Ray, 7268 S. 1600 E.,** said this is the property behind Ray's Market. He said his father donated the property for the well. He said as a side note, Weber River water users just signed an agreement with Weber Basin, and Weber Basin will be receiving more water. He just wanted the City to keep them in mind. He said his father traded the property behind the store to keep South Weber Drive more straight. He said there are several utilities in that road. He said it is probably classed as non-buildable. He discussed A1, A2, A3, and B parcel on the map. He is concerned about the A1 piece. Barry said the law requires it to go to the adjacent property owner (Kay Martinez). Mr. Ray explained that his sister-in-law owns A3. Mr. Ray pointed out there is a cell tower on his property. He is willing to work with the City on the vacation. Barry said we realize the utilities are in there, but the purpose to vacate is that it is technically a public thoroughfare right now, and we don't want it to be a public thoroughfare. Barry explained the Martinez lot and the street frontage. Barry said if we can establish that the Ray family relinquished the property, we can look at whatever is vacated going back to Mr. Ray. Mr. Ray if A1 was joined in with A2 that is all in the same name. Brandon said Mr. Ray is proposing A3 going to Mr. Ray's sister-in-law and A1 & A2 go to both of them. Mr. Ray discussed his mother deeding property to Mr. Martinez. Mr. Ray said he pays the property taxes for the property.

**Review Jones & Associates Memo and Analysis for Weber Basin Water Purchase:** Brandon Jones, City Engineer, said as of right now, the City Council has not purchased enough water. He said at some point in time the City has to purchase enough water to get up to the 200 AF. He explained that the City Council approved the purchase of 110 AF. Commissioner Osborne is interested in the other 300 AF of well water and what the cost would be. Barry said that is another option. He said to know what the capacity is of the well, a study needs to be done. Commissioner Hyde asked if the Planning Commission needs to make a recommendation. Brandon said he does worry about not being responsible when approving subdivisions that you know you don't have water for. He said there are developers who have been waiting for almost a year and he is concerned about how a moratorium would affect them. He is also concerned because development is moving forward.

**Commissioner Johnson moved to make a recommendation to City Council to consider a moratorium on future development until there is sufficient water to meet the needs of the City of South Weber for the next 10 years, and set aside some of that water for business development. The motion died due to lack of a second.**

Duncan explained that a moratorium (temporary land use regulations) is only for six months. Brandon said the City can resolve the water issues, if they purchase more water, but they didn't decide to do that. Commissioner Hyde is in favor of option #4 because then the developer has to bring the water for their development.

**Commissioner Johnson moved to recommend to the City Council the Planning Commission's support of option #4 as well as recommending the City Council look at the following:**

- 1. Future purchase of water to cover the 10% reduction.**
- 2. Ways to use future water acquisitions as business incentives.**
- 3. Evaluate the well capacity.**

**Commissioner Westbrook seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbrook and Winsor voted yes. The motion carried.**

**General Plan Amendments from City Council:** Barry Burton, City Planner, reviewed the updated changes from the City Council's meeting on 23 September 2014. The changes were as follows:

1. Delete the reference to the Old South Weber Drive on page 24.
2. Delete the language on the bottom of page 25 & 26 (*This road has been constructed to grade and with design parameters to accommodate a future public road that would provide a connection to Layton City. The alignment of this road has also been studied in order to ensure hillside stability*).
3. Amend Map #3 by adding the annexation policy color to all parcels not currently in annexation plan between Highway 84 and the Weber River.
4. Amend Map #5 by removing the future major collector road which goes past the South Weber Elementary School, and which goes up to the water tank; but not removing the portion at South Weber Drive. This will connect 1160 East to 1900 East and will be a proposed local road.
5. Amend Map #6 on text referencing canal trail adding language "*agreements have been made with the property owners*"
6. Amend Map #6 running Old Fort Trail from 1375 East to Central Park.
7. Connect 1160 East to 1900 East and identify it as a proposed local road.

**ADJOURNED:** Commissioner Westbrook moved to adjourn the Planning Commission meeting at 8:15 p.m. Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, Westbrook and Winsor voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ Date

Chairperson: Delene Hyde

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Transcriber: Michelle Clark

Attest: \_\_\_\_\_ Deputy Recorder: Elyse Greiner